



# CITY OF SAN CLEMENTE

## REGULAR CITY COUNCIL

### MEETING AGENDA

City Council Chambers  
San Clemente Civic Center  
100 Avenida Presidio  
San Clemente, California  
[www.san-clemente.org](http://www.san-clemente.org)

September 4, 2012  
5:00 p.m. - Closed Session  
6:00 p.m. - Business Meeting

*Information concerning City Council Meeting protocols and procedures is contained at the end of this agenda.*

#### ***RULES FOR ADDRESSING COUNCIL***

- Members of the public may address the City Council on matters within the jurisdiction of the City of San Clemente.
- If you wish to address Council, please complete one of the blue speaker cards located at the entrance to the Council Chambers and submit it to the City Clerk or Deputy City Clerk.
- Persons wishing to address Council concerning an **agendized** item will be invited to address Council during the time that Council is considering that particular agenda item. Persons wishing to address Council concerning a **non-agendized** issue will be invited to address Council during the "Oral Communications" portion of the meeting.
- When the Mayor calls your name, please step to the podium, state your name and your city of residence, and then give your presentation. Please limit your presentation to three minutes.

**MISSION STATEMENT**

*The City of San Clemente, in partnership with the community we serve, will foster a tradition dedicated to:*

*Maintaining a safe, healthy atmosphere in which to live, work and play;*

*Guiding development to ensure responsible growth while preserving and enhancing our village character, unique environment and natural amenities;*

*Providing for the City's long-term stability through promotion of economic vitality and diversity...*

*Resulting in a balanced community committed to protecting what is valued today while meeting tomorrow's needs.*

**CLOSED SESSION (5:00 P.M.)** If there are no Closed Session items, the City Clerk will recess the meeting to 6:00 p.m.

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, pursuant to Government Code Section 54956.9(a):

Daniel Walker as Trustee for the 1997 Walker Family Trust v. City of San Clemente, Orange County Superior Court Case No. 30-2012-00591239-CU-WM-CJC

- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, pursuant to Government Code Section 54956.9(a):

Sadeghi v. City of San Clemente, et al. Orange County Superior Court Case No. 30-2011 00465408-CU-WM-CJC

- C. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Initiation of litigation pursuant to Government Code Section 54956.9(c): One potential case.

**BUSINESS MEETING (6:00 P.M.)**

**CALL TO ORDER**

**INVOCATION - Pastor Roger Gales, Heritage Christian Fellowship**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**1. Special Presentations.**

**A. Presentation of Honoraria - Coaches Chris Puckett and Cameron Shelley and Team Members of San Clemente Junior American #2**

Presentation of honoraria to Coaches Chris Puckett and Cameron Shelley and the team members of San Clemente Junior American #2 baseball team in recognition of winning the District 68 Tournament of Champions.

**B. Presentation of Proclamation - World Alzheimer's Awareness Month**

Presentation of a Proclamation to Andrew Eng, representing the Alzheimer's Association of Orange County Chapter, declaring September 2012 as World Alzheimer's Awareness Month.

**C. Presentation of Proclamation - Constitution Week**

Presentation of a Proclamation to Margaret Coggins, Roberta Lloyd, Jane Davis, and Shonda Davis, representing the Daughters of the American Revolution, declaring September 17-23, 2012 as "Constitution Week" in San Clemente.

- 2. Oral Communications (Part 1).** Members of the audience who wish to address Council on matters that are within the jurisdiction of the City of San Clemente, but not separately listed on the agenda, may do so during the Oral Communications portion of the meeting. A total time limitation of 30 minutes is allocated for Oral Communications Part 1, with each speaker being allotted 3 minutes in which to give his or her presentation. Speaker order is determined by the order in which speaker cards are provided to the City Clerk or Deputy City Clerk at the meeting. Speakers that cannot be accommodated during Oral Communications Part 1 will be invited to address Council during Oral Communications Part 2, which appears on this agenda as Item No. 10. When the Mayor calls your name, please step to the podium, state your name and the City in which you reside, and make your presentation. Subject to very limited exceptions, Council is not permitted to discuss or take action on items that do not appear on the agenda.

3. **Motion waiving reading in full of all Resolutions and Ordinances.**
4. **Consideration of agendizing items requiring immediate action.** Any items agendized will be considered under New Business, unless otherwise determined by a majority vote of the City Council.
5. **Closed Session Report - City Attorney.**
6. **Consent Calendar.** All items listed on the Consent Calendar are considered to be routine and will be enacted by one motion without discussion unless Council, Staff, or the public requests removal of an item for separate discussion and action.
  - A. **City Council Minutes**

Approve minutes of the City Council Regular Meeting of July 17, 2012.
  - B. Receive and file:
    - (1) Design Review Subcommittee Meeting minutes of August 1, 2012.
    - (2) Beaches, Parks and Recreation Commission Regular Meeting minutes of August 14, 2012.
    - (3) Zoning Administrator Regular Meeting minutes of August 22, 2012.
    - (4) Planning Commission Adjourned Regular Meeting minutes of August 22, 2012.
    - (5) Golf Course Committee Regular Meeting minutes of July 5, 2012.

C. **Warrant Register**

Approve Warrant Nos. 502293 through 502474,  
for the period 08-06-12 through 08-10-12,  
in the amount of ..... \$ 1,703,705.48

Approve Wire Transfer Nos. 1035 through 1038,  
and Warrant Nos. 502475 through 502607,  
for the period 08-13-12 through 08-17-12,  
in the amount of ..... \$ 830,723.44

TOTAL WARRANT REGISTER..... \$ 2,534,428.92

**Payroll Register**

Approve Warrant Nos. 77 through 90, and  
Automatic Deposit Advises 2323 through 2639,  
for the period 08-06-12 through 08-19-12,  
in the amount of ..... \$ 453,097.26

TOTAL PAYROLL REGISTER..... \$ 453,097.26

D. **Notice of Completion - Major Street Maintenance, Phase 1, Fiscal Year 2012 - Pages 6-D-1 through 6-D-6**

1. Accept the Major Street Maintenance, Phase 1, Fiscal Year 2012, Project No. 22302, from the contractor, Palp, Inc., dba Excel Paving Company.
2. Authorize the Mayor to execute, and City Clerk to record, the Notice of Completion for the Major Street Maintenance, Phase 1, Fiscal Year 2012, Project No. 22302. (Contract C11-35)
3. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion upon verification with the Engineering Division that no liens have been levied against Palp, Inc., dba Excel Paving Company.
4. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.

E. **National Pollutant Discharge Elimination System (NPDES) Stormwater Program Shared Costs Budget for Fiscal Year 2012-13** - Pages 6-E-1 through 6-E-21

Approve the proposed National Pollutant Discharge Elimination System (NPDES) Stormwater Program shared costs budget for Fiscal Year 2012-13.

F. **Rejection of Bids - Avenida Granada Trash Enclosure** - Pages 6-F-1 through 6-F-4

1. Reject all bids for the Avenida Granada Trash Enclosure, Project No. 12346.
2. Authorize Staff to rebid for the Avenida Granada Trash Enclosure, Project No. 12346.

G. **Revised Library Expansion Conceptual Plan** - Pages 6-G-1 through 6-G-4

Approve the revised Library Expansion Conceptual Plan.

H. **Banner Space on El Camino Real (Amendment to City Policy and Procedure 303-2 and Request to Advertise Hurley Pro)** - Pages 6-H-1 through 6-H-9

1. Amend City Policy and Procedure 303-2 to allow the City Manager authority to approve special event banners that provide public benefit.
2. Approve IMG to advertise the Hurley Pro September 16-22, 2012 on El Camino Real.

7. **Public Hearings.** The Public Hearing process includes a staff presentation, a presentation by the applicant not to exceed ten (10) minutes, and public testimony (not to exceed three minutes per speaker). Following closure of the Public Hearing, the City Council will respond to questions raised during the hearing, discuss the issues, and act upon the matter by motion.

None.

8. **Unfinished Business.**

9. **New Business.**

A. **Letter to Wildlife Agencies Requesting Release of Natural Community Conservation Planning (NCCP) Funds** - Pages 9-A-1 through 9-A-4

Report from the City Manager concerning the possibility of sending letters to wildlife agencies requesting the release of NCCP funds.

Staff Recommendation

Authorize the City Manager to execute a letter on behalf of the City of San Clemente requesting release of Natural Community Conservation Planning (NCCP) funds.

B. **Draft Comprehensive Sidewalk Policy and Recommended Fiscal Year 2013 New Sidewalk Construction Projects** - Pages 9-B-1 through 9-B-18

Report from the Public Works Director regarding the draft Comprehensive Sidewalk Policy and list of new sidewalk construction projects.

Staff Recommendation

1. Provide feedback on the draft Comprehensive Sidewalk Policy and direction to Staff for preparation of a final policy for City Council approval.
2. Approve the recommended list of new sidewalk construction projects, as identified in the Administrative Report, dated September 4, 2012, that is on file with the City Clerk.

10. **Oral Communications (Part 2).** Members of the audience who wish to address Council on matters that are within the jurisdiction of the City of San Clemente, but not separately listed on the agenda, may do so during the Oral Communications portion of the meeting. When the Mayor calls your name, please step to the podium, state your name and the City in which you reside, and make a presentation not to exceed three minutes. Subject to very limited exceptions, Council is not permitted to discuss or take action on items that do not appear on the agenda.

11. **Reports.**

A. **Commissions and Committees**

- (1) **Conflict of Interest Code - Biennial Update** - Pages 11-A(1)-1 through 11-A(1)-16

Report from the City Clerk concerning the possibility of amending the Code of the City of San Clemente relative to the City's Conflict of Interest Code.

Staff Recommendation

Introduce Ordinance No. 1559 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 2.24 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO THE CITY'S CONFLICT OF INTEREST CODE.

- (2) **Consideration of the Location of the Consolidated Joint Meeting of October 23, 2012**
- (3) **Consideration of Scheduling the Date and Time for Council to Interview Candidates and Appoint the Talega Homeowners Association Representative to the Friends of the Reserve Commission**

B. **City Manager**

C. **City Attorney**

D. **Council Members**

- (1) **Orange County Fire Authority (OCFA)**

Report from Jim Dahl, City Representative to the Orange County Fire Authority (OCFA), relative to OCFA matters.



12. **Resolutions/Ordinances.**

- A. **Ordinance No. 1556 (Second Reading) - Casa Romantica - 415 Avenida Granada (General Plan Amendment 12-229/Specific Plan Amendment 12-230) - Permitted Uses in Mixed Use 4.3 Area** - Pages 12-A-1 through 12-A-5

Staff Recommendation

Adopt Ordinance No. 1556 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING GENERAL PLAN AMENDMENT 12-229/SPECIFIC PLAN AMENDMENT 12-230, AMENDING THE GENERAL PLAN AND PIER BOWL SPECIFIC PLAN RELATING TO THE CASA ROMANTICA - MIXED USE 4.3 DISTRICT.

- B. **Ordinance No. 1557 (Second Reading) - Adjustment to Water Fixed Rates for the Low Income Ratepayer Assistance Program** - Pages 12-B-1 through 12-B-3

Staff Recommendation

Adopt Ordinance No. 1557 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 13.04.220, SUBSECTION (A) OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO WATER RATES FOR THE LOW INCOME RATEPAYER ASSISTANCE PROGRAM.

- B. **Ordinance No. 1558 (Second Reading) - Adjustment to Sewer Fixed Rates for the Low Income Ratepayer Assistance Program** - Pages 12-C-1 through 12-C-2

Staff Recommendation

Adopt Ordinance No. 1558 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 13.24.190, SUBSECTION (D), PARAGRAPH 2 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO SANITARY SEWER RATES FOR THE LOW INCOME RATEPAYER ASSISTANCE PROGRAM.

13. **Adjournment.**

The next Regular Council Meeting will be held on Tuesday, September 18, 2012 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be discussed at 5:00 p.m. The General Session will commence at 6:00 p.m.

## **CITY COUNCIL MEETING PROCEDURES**

### **PRESENTATION OF WRITTEN MATERIALS TO COUNCIL**

In order to ensure that Councilmembers have adequate time to consider written materials concerning agenda items, it is strongly recommended that such materials be submitted to the City Clerk by noon the date preceding the Council meeting.

### **MEETINGS RECORDED AND TELEVISED**

City Council meetings are broadcast live and are replayed periodically on Cox Communications Local Access Channel 30 (or Channel 854 for high-definition televisions). Meetings are also recorded via audio CD and DVD and retained as a City record in accordance with the City's records retention schedule.

### **LENGTH OF MEETINGS**

At 11:00 p.m., the City Council will determine which of the remaining agenda items can be considered and acted upon at this meeting and will continue all other agenda items to a future meeting.

### **AMERICANS WITH DISABILITIES ACT**

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability-related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such modification or accommodation from the City Clerk at (949) 361-8200. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

### **COMMUNICATION DEVICES**

To minimize meeting distractions and sound system interference, please be sure all personal communication devices are turned off or on silent mode.

### **MEETING SCHEDULE**

Regular Council Meetings are held on the first and third Tuesdays of each month in the Council Chambers, located at 100 Avenida Presidio, San Clemente. Closed Session items are considered at 5:00 p.m. and the Business Meeting begins at 6:00 p.m. Additional meetings of the City Council may be called as needed.

### **AGENDAS, ADMINISTRATIVE REPORTS AND SUPPLEMENTAL WRITTEN MATERIALS**

Agendas and Administrative Reports are available for review and/or copying at the City Clerk's Office as soon as agendas are posted (a minimum of 72 hours prior to the meeting). Agendas and Administrative Reports can also be viewed at the San Clemente Library, located at 242 Avenida Del Mar, or by accessing the City's website at [www.san-clemente.org](http://www.san-clemente.org). An "Inspection Copy" of agenda materials is also located at the entrance to the Council Chambers during meetings for public review. All written material distributed to a majority of the Council after the original agenda packet was distributed is available for public inspection in the City Clerk's Office, located at 100 Avenida Presidio, San Clemente, during normal business hours.

The City Clerk's Office also offers an agenda packet subscription service free of charge. If you wish to receive email copies of City Council agendas, which include hyperlinks to staff reports and other back-up material, please send an email to [cityclerk@san-clemente.org](mailto:cityclerk@san-clemente.org) or call 949-361-8200.